

REMARKS

Claims presented for prosecution in this Application are 1-3. In view of Applicants' amendments to the claims and the remarks below, Applicants respectfully submit that claims 1-3 are now in condition for allowance. Accordingly, Applicants respectfully request that the present Response be considered, the rejections to the claims be withdrawn, and that the case now be passed to issue.

The Objection to the Specification and Abstract

The Examiner has objected to the specification and Abstract on grammatical grounds. In response, Applicants have amended the specification and Abstract in conformance with the Examiner's helpful suggestions.

In light of the recent amendments, Applicants respectfully request withdrawal of the outstanding objection to the specification and abstract.

The 35 U.S.C. § 102(b) Rejection of Claim 2 over Takizawa

The Examiner has rejected claim 2 as being clearly anticipated by Takizawa. Applicants respectfully assert that Takizawa does not disclose each and every element of independent claim 2.

Specifically, independent claim 2 explicitly recites, *inter alia*:

"a first control arm that extends between a wheel assembly and said body, wherein said first control arm defines a first suspension plane;

a second control arm that extends between said wheel assembly and said body, wherein said second control arm defines a second suspension plane;

a vertical plane extending through a vertical centerline of said wheel assembly;

wherein an intersection between said vertical plane and said first suspension plane defines a first line, and an intersection between said

vertical plane and said second suspension plane defines a second line, said first line and said second line intersecting at an instant center which lies below a roll center of said vehicle; and

wherein said first control arm and said second control arm do not cross one another when said first wheel assembly is viewed from one of a front and rear of said vehicle.” (Emphasis added).

In stark contrast, Takizawa is completely silent as to any intersection of a control arm plane with a vertical plane extending through a vertical centerline of the wheel assembly. Moreover, Takizawa is also completely silent with respect to the creation of the instant center below the position of the roll center of the vehicle, where the instant center is defined as the intersection of the vertical plane with the plane formed by the control arms of the present invention.

Turning specifically to the outstanding rejection, Applicants note the assertion that, “[t]he first line and second line intersect at an instant center (Q) that lies below a roll center of the vehicle”. In response thereto, Applicants note the following:

- 1) Column 9, lines 26-35 specifically state that point ‘Q’ is the intersection between the “*extension line of the central axis of rod 20 and the extension line of the central axis of the lateral arms (see Fig. 13)*”. Thus, Takizawa clearly states that point “Q” is not defined as recited in claim 1, and therefore cannot read upon Applicant’s “instant center”.

That is, point “Q” in Takizawa is not the intersection of lines formed by the planes of the control arms as they intersect with the vertical plane extending through the centerline of the vehicle wheel assemblies, as explicitly recited in claim 1.

Should the Examiner repeat this rejection, Applicants respectfully request that the Examiner specifically point out where Takizawa ever discusses the lines formed by the intersection of the planes of

the various control arms, with the vertical plane of the wheel assemblies. Moreover, specific indication of where in Takizawa it can be found that "Q" is itself the intersection of the lines formed by the intersection of the lines formed by the intersection of the planes of the various control arms, with the vertical plane of the wheel assemblies.

- 2) Applicants note Takizawa's Fig. 13 in which it is made explicitly clear that the point "Q" is not formed, in part, by any particular control arm plane or line, or the like. Rather point "Q" is formed in part by the extension **line** of the "**central** axis of the lateral arms" (emphasis added). Thus, as best seen in Figs. 10 and 13 in combination, the extension line which, in part, defines point "Q" is the *central axis between* the two rods 7a and 7b.

Thus, in addition to there being no teaching within Takizawa that the lines which define point "Q" are lines formed by the *intersection* of control arm *planes* with the vertical *plane* of the wheel assemblies, one of the lines defining point "Q" in Takizawa is not even representative of a discreet rod (let alone being a line formed by the intersection of the rod's plane with the vertical plane of the wheel assembly), instead merely being a central axis between two rods.

- 3) Lastly, Applicants have also been unable to find any recitation within Takizawa that the point "Q" is below the roll center of Takizawa's vehicle, as explicitly recited in claim 2.

Support for Applicants' claim language and structural orientation as recited in claim 2 can be found in Applicants specification, *inter alia*, page 8, paragraph 36 on.

As Takizawa does not teach or suggest a structural orientation of elements as recited in claim 2, , Applicants again respectfully assert that Takizawa cannot anticipate the subject matter of claim 2.

Applicants earnestly believe that independent claim 2 clearly defines over the cited prior art. If, however, the Examiner believes that there remains any outstanding issues, Applicant respectfully requests that the Examiner contact Applicant's Representative so as to expedite resolution of these outstanding issues.

The 35 U.S.C. § 102(e) Rejection of Claim 1 over Wagner ('797)

The Examiner has rejected claim 1 as being clearly anticipated by Wagner ('797). Applicants respectfully assert that Wagner ('797) does not disclose each and every element of, at least, independent claim 1.

Specifically, independent claim 1 explicitly recites, *inter alia*:

"a first suspension assembly that extends between a first wheel assembly and the body, wherein the first suspension assembly defines an instant center;

a second suspension assembly that extends between a second wheel assembly and the body, wherein the second suspension assembly defines an instant center;

wherein the first wheel assembly and the second wheel assembly are aligned so that a vertical centerline of each wheel assembly lies within a vertical plane that extends therebetween; and

wherein the instant center of each wheel assembly suspension is located within the vertical plane, below said roll center located within the vertical plane." (emphasis added).

In stark contrast, Wagner ('797) is completely silent as to the formation or position of any "instant center", as explicitly recited in claim 1. Moreover, Wagner ('797) is also completely silent as to the placement of the instant center "within the vertical plane" that extends between the wheel assemblies, as is also explicitly recited in claim 1. Lastly, (and not surprisingly, given that Wagner ('797) does not even mention the instant centers of the wheel assemblies, or their location within the vertical plane),

Wagner ('797) is completely silent as to the instant centers being located below the roll center of the vehicle within the vertical plane, as explicitly recited in claim 1.

Turning specifically to the outstanding rejection, Applicants note the assertion that, *"the instant center of each wheel assembly suspension is located within the vertical plane, below the roll center located within the vertical plane (column 18, lines 41-62 and claim 3)."* In response thereto, Applicants note the following:

- 1) Column 18, lines 41-62 of Wagner ('797) do not, in fact, speak to the location of the *instant center* being located beneath the *roll center* of the vehicle.

Instead, column 18, lines 41-44, recite that *"an important aspect of the suspension system of the present invention is to produce a roll center of a vehicle which is ... below the geometric center of gravity of the vehicle."* (emphasis added).

Thus, Wagner ('797) is devoid of any teaching or suggestion that the instant center of its wheel assemblies are located beneath the roll center of the vehicle and within the vertical plane, as required by claim 1.

- 2) The outstanding Office Action also states that Wagner ('797) defines an 'instant center', (C), for each of the wheel assemblies.

In contrast, Wagner ('797) defines reference numeral "C" as being indicative of a crossing axis between two structural members (*see*, column 10, lines 40-51). Thus, point "C" does not reflect an instant center of the wheel assemblies, as indicated by the outstanding rejection.

Wagner ('797) is equally silent as to the instant centers of its wheel assemblies being located within the vertical plane that extends

between the vertical centerlines of the wheel assemblies, as explicitly recited in claim 1.

As Wagner ('797) does not teach or suggest each and every element recited in claim 1, Applicants respectfully assert that Wagner ('797) cannot anticipate the subject matter of claim 1.

Applicants earnestly believe that independent claim 1 clearly define over the cited prior art. If, however, the Examiner believes that there remains any outstanding issues, Applicant respectfully requests that the Examiner contact Applicant's Representative so as to expedite resolution of these outstanding issues.

The 35 U.S.C. § 102(e) Rejection of Claim 3 over Wagner ('978)

The Examiner has rejected claim 3 as being clearly anticipated by Wagner ('978). Applicants respectfully assert that Wagner ('978) does not disclose each and every element of, at least, independent claim 3.

Specifically, independent claim 3 explicitly recites, *inter alia*:

"a first suspension arm having two degrees of restriction and rotatably fixed between a wheel assembly and said body, wherein said first suspension arm defines a first suspension plane;

a second suspension arm having two degrees of restriction and rotatably fixed between said wheel assembly and said body, wherein said second suspension arm defines a second suspension plane;

a vertical plane extending through a vertical centerline of said wheel assembly;

wherein an intersection between said vertical plane and said first suspension plane defines a first line, and an intersection between said vertical plane and said second suspension plane defines a second line, said first line and said second line intersecting at an instant center which lies below a roll center of said vehicle; and

wherein said first suspension arm is shorter than said second suspension arm." (emphasis added).

In stark contrast, Wagner ('978) is completely silent as to any intersection of a suspension arm plane with a vertical plane extending through a vertical centerline of the wheel assembly. Moreover, Wagner ('978) is also completely silent with respect to the creation of the instant center below the position of the roll center of the vehicle, where the instant center is defined as the intersection of the vertical plane with the plane formed by the suspension arms of the present invention. Lastly, Wagner ('978) is silent as to the first suspension arm being shorter than the second suspension arm, as explicitly recited in claim 3.

Turning specifically to the outstanding rejection, Applicants note the following:

- 1) Claim 4 of Wagner ('978) does not speak to the first suspension arm being shorter than the second suspension arm. Instead, claim 4 of Wagner ('978) merely indicates that "first and second weight bearing members are selectively variable in length".
- 2) The outstanding Office Action also states that Wagner ('978) defines an 'instant center', (C), for each of the wheel assemblies.

In contrast, Wagner ('978) defines reference numeral "C" as being indicative of a crossing axis between two structural members. Thus, point "C" does not reflect an instant center of the wheel assemblies, as indicated by the outstanding rejection, and as required by claim 3.

- 3) Should the Examiner repeat this rejection, Applicants respectfully request that the Examiner specifically point out where Wagner ('978) ever discusses the lines formed by the intersection of the planes of the various suspension arms, with the vertical plane of the wheel assemblies.

As Wagner ('978) does not teach or suggest each and every element recited in claim 3, Applicants respectfully assert that Wagner ('978) cannot anticipate the subject matter of claim 1.

Applicants earnestly believe that independent claim 3 clearly define over the cited prior art. If, however, the Examiner believes that there remains any outstanding issues, Applicant respectfully requests that the Examiner contact Applicant's Representative so as to expedite resolution of these outstanding issues.

CONCLUSION

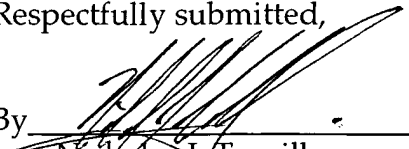
In view of the amendments to the claims and the remarks above, it is respectfully submitted that claims 1-3 are allowable, and an early action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview while the outstanding issues are fresh in the mind of the Examiner.

Please charge our Deposit Account No. 13-0235 for any fees required for the accompanying Three Month Extension of Time. It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

By



Nicholas J. Tuccillo
Registration No. 44,322
Attorney for Applicants

McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-4102
Tel.: (860) 549-5290
Fax: (860) 527-0464